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D'Amato's Pothole Politics and Paper Trails

By Jim McGee

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Sen. Alfonse M. D'Amato says he made a promise to the people of New York when he ran for the Senate in 1980: "Elect me, I'll fight for you."

He has been true to his word. During his 10 years in the Senate,

the Long Island Republican has used a blunt, outta-my-way style in helping corporations, campaign contributors and constituents alike.

Pork-barrel politics and political leveraging are nothing new in Washington. But D'Amato's intensity at playing the game has attracted unwanted attention, including an ethics investigation.

"I'm very aggressive by nature," he said. "It goes to the essence of what I'm about."

Ask the New York Metropolitan Transportation Authority. It does not usually hear from U.S. senators about the millions of dollars awarded to subcontractors each year. In 1987, as the agency was

buying 200 new subway cars, D'Amato sent a letter singling out a prospective subcontractor, the Westinghouse Air Brake Co. of Yonkers, N.Y.

Ask the National Park Service. In 1988, it awarded a multimillion-dollar concession for the ferry service to the Statue of Liberty. D'Amato fired off a letter on behalf of the losing company, a Manhattan firm owned by a campaign contributor. "What federal policy goals are being advanced here?" D'Amato's letter demanded.

Ask the Long Island Rail Road. It saw no need to renovate an aban-

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doned station in suburban New York. Nonetheless, D'Amato got Congress to earmark \$4.5 million for the project last year; state transit officials have declined to spend the money.

D'Amato's aggressive style—part ward boss, part tactician—has generated praise from some and scorn from others. Several months ago, it prompted a formal investigation by the Senate Select Committee on Ethics after a D'Amato political foe accused him of bringing the Senate "into disrepute by regularly exploiting his official position to financially enrich contributors, cronies and relatives." He is one of seven senators now under scrutiny by the ethics committee.

The complaint—filed by Democrat Mark Green, the man D'Amato defeated in the 1986 election—cites several instances in which D'Amato supported grant applications at the Department of Housing and Urban Development (HUD) that benefited contributors, one of whom was a law client of his brother, Armand D'Amato. The U.S. Attorney's Office is conducting an extensive investigation of HUD projects in the New York region.

'We're All New Yorkers'

D'Amato says the charges are absurd. "So what," he said. "I mean, are you saying to me that people who have an interest in seeing to it that there is a representative who is responsive, they should not contribute? Look, check every other senator and congressman and you'll find the same situation. . . . Am I being held to a standard that is different than anybody else?"

He said he supported more than 1,200 HUD applications in the last decade and that, inevitably, some were from contributors. "I give special consideration to everybody," he said.

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D'Amato said his approach "may not be the traditional role for a senator," but it is a role he relishes. A friend and fellow New Yorker, HUD Undersecretary Alfred A. Delli-Bovi has a name for it. He calls D'Amato "The Pothole Senator" and recalled that D'Amato once counseled him "Just keep in mind: We're all New Yorkers."

Central to D'Amato's view of his role is encouraging, cajoling or otherwise pressuring federal officials to make decisions that favor his constituents. "Is that a problem?" D'Amato said. "When I got elected I thought that was part of the job, to be an advocate for the people, to make those inquiries."

He resents the charges pending at the ethics committee. "Look at any one of [them] and show me what we have done that is wrong," D'Amato said during a three-hour interview in his office. At one point, he rose from his chair, moved about the room, then slammed his fist on the desk. "I am what I am," he said.

Freedom of Information Act requests to the General Services Administration (GSA), the Small Business Administration (SBA) and the Urban Mass Transportation Administration (UMTA) turned up hundreds of letters from D'Amato. Most are form letters, but many are from the senator personally.

The paper trail tells only part of the story. D'Amato is quick to telephone New York-based administrators of various federal agencies.

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Green's ethics complaint, drawn primarily from news accounts of D'Amato's activities, asserts that some of these contacts were improper. For example, the complaint cites conversations that D'Amato had with New York's former U.S. attorney, Rudolph W. Giuliani, about three criminal cases, including a telephone call on behalf of convicted Mafia member Mario Gigante.

D'Amato said Gigante's brother asked him to ensure the sentence he received was fair. "I did call Rudy," D'Amato said. "I said 'Rudy, will you take a look at this and see that it's appropriate.'"

Did His Brother Benefit?

Giuliani later told New York reporters that D'Amato did nothing illegal, but said he reminded the senator that "these are the type of things that should go lawyer to lawyer. . . . We shouldn't be talking about these things. It's not good for you and it's not good for me."

There is no allegation in the ethics complaint that D'Amato has profited personally from any of these activities. D'Amato asserts that his net worth has stayed roughly the same during his 10 years in the Senate and that he has less cash on hand because of college tuition payments for his children, a claim consistent with his financial disclosure statements.

The complaint does raise the question of whether D'Amato's actions may have benefited Armand D'Amato. "To what extent, if any, is Armand D'Amato the financial beneficiary . . . of his brother's exertions on behalf of favored interests?" the complaint asks.

D'Amato said several times during two interviews that he does not recall ever being lobbied by his brother, although he said clients might hire Armand with that thought in mind. But the senator said, "If they go [to Armand] because they think they're getting something extra, they are not."

Armand D'Amato declined to be interviewed. In Long Island he is considered a politically influential attorney in his own right; he served five terms in the state Assembly and formed a law firm known for its expertise in land use and development matters.

Sen. D'Amato said he knows of only one occasion when his brother contacted his office on behalf of a client; the call involved a contract for the Unisys Corp., a New York-based major defense contractor. D'Amato said the call was handled by his staff and he learned about it only much later.

Unisys was seeking a \$100 million contract to provide computers for the Aegis missile defense system. In 1986, Congress required the Navy to hold an open competition for the contract, but by November 1987, the Navy had not held the competition and Unisys was impatient.

During this period, Unisys retained Armand D'Amato's law firm "to monitor issues of interest to Unisys before the Congress and the Department of Defense," according to a Unisys spokesman, and paid a \$35,000 fee to the law firm.

At some point, Armand D'Amato contacted the senator's office and suggested that the senator send a letter to then-Navy Secretary James Webb inquiring about the status of the competition. A Dec. 1 letter bearing Sen. D'Amato's signature asked when the Aegis contract would be put out for competitive bidding. It did not mention Unisys by name, but Unisys was the principal bidder and eventually won the contract.

"You get these letters from everyone imaginable," Webb said. "So it really doesn't suggest anything to me other than the guy's trying to put pressure on us to make a decision. To me it was sort of boilerplate."

Asking Pointed Questions

Whatever the outcome of the ethics inquiry, recent interviews and D'Amato's many letters to government agencies illustrate his penchant for plunging ahead on behalf of aggrieved constituents.

One example is New York marine developer Stephen Sloan, who came in second on a 1988 bid to provide ferry service to the Statue of Lib-

erty and turned to the New York congressional delegation for help. Three congressmen signed a low-key memo asking for an explanation; a fourth filed a protest to the General Accounting Office.

D'Amato, however, fired off a personal letter to the service's director asking a series of pointed questions. "I never thought I'd get a letter like that out of a U.S. senator," Sloan said.

Sloan had contributed three times to D'Amato's campaign since 1985, including a \$1,000 donation recorded two weeks after he lost the bid competition. In addition, he had retained Armand D'Amato for legal work on a marina-condominium project. "So what," Sen.

D'Amato said. "There are . . . some questions that a citizen raises. A CITIZEN! It doesn't matter if it's Citizen Sloan, who contributed to me, or not."

D'Amato also writes to officials who are in positions to influence the awarding of bids on federally funded projects. Often, as in the case of letters to the New York Metropolitan Transportation Authority (MTA), he is writing to an administrator who regularly seeks his help on Capitol Hill. D'Amato is ranking Republican on the Senate Appropriations subcommittee on transportation and related agencies.

In March 1987, for example, D'Amato wrote to MTA Chairman Robert Kiley saying that he was

"aware that the Westinghouse Air Brake Company" of Yonkers was among the prospective subcontractors to build 200 subway cars—or would be if a prime contractor held an open competition. Kiley declined to intervene. "If MTA were to intrude upon the prime contractor's discretion to award the subcontracts" there could be legal problems, he told D'Amato. "We could not, however, and will not insist that prime contractors select any particular vendor."

A year later, D'Amato wrote Kiley about another contract. "I am writing in strong support of a bid by General Railway Signal of Rochester, N.Y., on a \$10 million project to upgrade the signal system at New York's Grand Central Terminal," he wrote, noting that two other competitors were foreign-owned.

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